

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

WILLIAM J. WISE,

Defendant.

Case No. [12-cr-00111-EMC-1](#)

ORDER RE REPLY BRIEF

Docket No. 360

UNITED STATES OF AMERICA,

Plaintiff,

v.

WILLIAM J. WISE,

Defendant.

Case No. [12-cr-00642-EMC-1](#)

Docket No. 188

On March 18, 2025, the Court denied Defendant's motion for relief from judgment and motion for judgment. Following the issuance of the Court's order, Defendant filed a reply brief in support of his motions. Because the Court did not order or otherwise permit Defendant to file a reply brief, the Court could strike the brief. However, the Court has considered the brief in the interest of justice. Nothing in the reply brief alters the Court's views, and thus its order denying Defendant's motion for relief from judgment and motion for judgment stand.


To the extent Defendant now asserts a conflict of interest because the government's papers list Martha Boersch as Chief of the Criminal Division of the U.S. Attorneys Office ("USAO"), that still is not a basis for relief. To be sure, Ms. Boersch was appointed (through CJA) to represent Defendant as associate counsel for a period of time (approximately 2014-2015).

1 However, she has not represented Defendant for years. More important, that Ms. Boersch later
2 joined the USAO – many years later – and is listed on the caption as an attorney for the USAO
3 does not by itself establish a conflict of interest warranting relief. It is commonplace for the
4 USAO to list the U.S. Attorney and the Chief on the caption of the papers. That, in and of itself,
5 does not establish Ms. Boersch actually participated in preparing or filing the opposition to
6 Defendant’s motions for relief from judgment and for judgment, and there is nothing so indicating.

7 Out of an abundance of caution, however, the Court ordered Ms. Boersch to file a
8 declaration addressing the issue of conflict of interest, including whether she has participated in
9 this litigation against Defendant as a government attorney. *See* Docket No. 362 (order). Ms.
10 Boersch has filed a declaration confirming that she has “not participated in or been involved in any
11 matters regarding Mr. Wise since joining the U.S. Attorney’s Office in November 2023.” Boersch
12 Decl. ¶ 4. She also states that she is “recused from this matter and will not be participating in any
13 aspect of this matter on behalf of the government.” Boersch Decl. ¶ 4. In light of the declaration,
14 the Court rejects Defendant’s contention that there is a conflict of interest justifying relief.

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16 **IT IS SO ORDERED.**

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18 Dated: April 4, 2025

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21 EDWARD T. CHEN
22 United States District Judge
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